

IN THE MATTER OF
MARY S. FURTH, M.D.
FOR SPECIAL EXCEPTION ON
PROPERTY LOCATED ON THE NORTH
SIDE OF JOPPA RD., 416' FROM
THE C/L OF GREENWOOD RD.
(1108 W. JOPPA ROAD)
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 88-442-X

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner denying the requested Special Exception to permit a physician's office use in a residence designated as 1108 W. Joppa Road. The case was heard this day in its entirety.

Petitioner's exhibits 1 through 4 and People's Counsel's exhibits 1 through 6 were entered on the record without objection prior to the taking of any testimony. Dr. Mary S. Furth, property owner, testified that she is a child psychiatrist, had purchased this property in February, 1988, and uses a part of the basement as a doctor's office. She testified that this area comprises some 519 sq. ft. and that no other doctors nor any other employees use this area. She testified that she sees an average of 8 patients a day and these are mostly children and adolescents in need of psychiatric care and that she accepts no patients connected with the juvenile justice system nor any patients exhibiting violent behavior. She further testified that she specifically and pointedly requests all patients not to back out of the driveway but to turn around in the area of the driveway provided for this. David Dallas, a registered professional engineer, testified as to the areas encompassed in this building. His calculations indicate that the area used as the doctor's office comprises 18% of the total area. C. Richard Moore, traffic engineer for Baltimore County, testified that the site plan indicates adequate parking and that the sight distances on this site create no problems. Frederick P.

Mary S. Furth, M.D.
Case No. 88-442-X

Klaus, real estate developer, testified that the proposed use would create no detriment to the neighborhood. This concluded Petitioner's case.

Protestants presented Officer Patrick Rooney, Baltimore County Police Department, assigned to the Traffic Division. He testified that in his opinion the sight distances from the driveway on the site are suspect and that traffic studies show an average speed in this area of 42 miles per hour, when the posted speed limit is 30 miles per hour. Mr. William Kirwin, who resides at 1020 W. Joppa Road, testified as to the potential danger created by the intersection of Meadow Ridge Road and the suspect sight distances and the fact that patients using this facility would not be familiar with these potential hazards. Mrs. Pat Christian of 1110 W. Joppa Rd., Mrs. Rebecca Ross, 1114 W. Joppa Rd., Mr. Robert Bush, 1106 W. Joppa Rd., and Mrs. Vicki Hale of 609 Meadow Ridge Rd., all testified in opposition to the Special Exception. Their fears were addressed to the danger of automobiles backing out of the driveway, a possible domino effect of this in their neighborhood, and the safety of the children, generated by the increased traffic. Mr. Patrick Keller, Deputy Director of Planning for Baltimore County, testified that his department takes the stand that this use is not appropriate on this site. Ms. Louise Schultz, representing the Ruxton-Riderwood Lake Roland Area Improvement Association and Mrs. Mary Ginn, representing the West Towson Neighborhood Association, both evidenced their organizations' opposition to the proposed use. The Board has carefully considered the testimony and evidence presented this day, and finds as a fact that the petition as presented and testified to complies with all Baltimore County Regulations and shall be granted. The area requirement designated in Baltimore County Zoning Regulations, 1801.1.C.9b as testified to by the engineer is in compliance. All the requirements of 502.1 have been satisfied. Therefore, the Board will grant the Special Exception petitioned for.

Mary S. Furth, M.D.
Case No. 88-442-X

ORDER

For the reasons set forth in the foregoing Opinion, it is this 18th day of October, 1988, by the County Board of Appeals, ORDERED that the Special Exception to permit a doctors use in the residence at 1108 W. Joppa Road, be and the same is GRANTED with the following restrictions:

- 1) Any sign advertising the use of this facility as a doctor's office must comply with Baltimore County Zoning Regulations, 413.1.a.
- 2) No more than one professional person and one part-time non professional person shall be engaged on these premises at the same time.

Any appeal from this decision must be in accordance with Rules

B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Lynn Moreland
Lynn Moreland

Arnold G. Foreman
Arnold G. Foreman

IN RE: PETITION FOR SPECIAL
EXCEPTION
NS Joppa Road, 416' +/-
from c/l Greenwood Road
(1108 W. Joppa Road)
9th Election District
4th Councilmanic District

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE #88-442X

Mary S. Furth, M.D.
Petitioner

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Exception for a professional physician's office in her primary residence at 1108 West Joppa Road, Towson, Md. 21204, all of which is more particularly described on Petitioner's Exhibits 1 and 2, and 3.

The Petitioner appeared, testified, and was represented by S. Eric DiNenna, Esquire. The Petitioner was supported in her testimony by Mr. Gregory Jones of the Bureau of Traffic Engineering for Baltimore County.

Mrs. Louise M. Schultz, Executive Director of the Ruxton, Lake Roland, Riderwood and Ridgely Improvement Association, Inc., appeared and testified as a Protestant. Ms. Joy J. Biddison, also a Protestant, appeared and testified, on her own behalf. There were numerous other Protestants, (see attached list) who were represented by attorney, James W. Constable, Esquire. The Commissioner received testimony from Ms. Joy Biddison, Ms. Ross, Mr. Kirwin, Mr. Christian, Ms. Christian, Mr. Van Ruth, Mr. Ford, Mr. Bush and Ms. Schultz.

The testimony and evidence tends to indicate that the Petitioner purchased the property known as 1108 West Joppa Road in Towson, Maryland for the purposes of establishing both her primary residence at

this location and to move her current physician's office to her home. The Petitioner's position is that her psychiatrist office located in the basement area of this single family dwelling unit complies with the requirements of an office for a professional person located in the professional personal's primary residence. The Special Exception for this issue is required by Section 1801.1.C. 98 of the B.C.Z.R.

Although there was more than 2-1/2 hours of testimony offered, in this matter, the relevant facts can be summarized quite briefly. The house is a two story with full basement and attached one story garage. The Petitioner now has her office in the basement area and is currently seeing patients. The Petitioner sees approximately one patient an hour from 8:00 A.M. to 7:00 P.M., Monday thru Friday. The Petitioner lives in this house with two of her sons. There is off street parking for four (4) cars.

The Protestants' primary objections to the granting of this special exception deal with the desirability of having a physician's office in a primarily residential neighborhood and the potential traffic hazards. They believe there is a serious traffic hazard because of the unique nature of Joppa Road, in this immediate vicinity, which prevents what are considered by the Protestants to be adequate site distances for safe traffic ingress and egress from the Petitioner's property.

The Petitioner believes she has presented some evidence that fulfills all of the requirements of both 1801.1.C.98 and Section 502.1 of the B.C.Z.R. All of the Protestants echoed the same basic theme that the doctor's office in a low density residential neighborhood is inappropriate and undesirable. That there are serious traffic

problems on Joppa Road. They claim a business, at this location, will create problems and that the Petitioner is actually using more than 25% of her residence as a professional office.

The Petitioner testified, extensively, to her opinion as to how her professional office in her residence does not negatively impact upon any of the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Protestants testified in opposition to the project and cite Section 502.1 a, b & g as support for their position that the proposed special exception is detrimental to their neighborhoods and is at an unsafe location. They argue that this is inconsistent with the B.C.Z.R.

The Petitioner's Exhibit 1 which is the site plan for the proposed project, leaves the impression that the Petitioner has a residential structure of approximately 4,026 sq. ft. That approximately 600 sq. ft. are being used by the Petitioner for her professional office. That this is less than 25% of the dwelling unit as permitted for a Special Exception.

There was a great deal of debate by several witnesses as to whether or not the calculations shown on Petitioner's Exhibit 1 are accurate and, whether or not the 600 sq. ft. figure for the office space area is correct.

The evidence presented concerning whether or not the Petitioner is actually using less than 25% of the subject dwelling unit for her professional office is debatable and unclear. Clearly, the duty and burden to produce evidence relevant to the requirements for a Special Exception rest upon the Petitioner. See, BP Oil Co. v. County Board

of Appeals, 42 Md. Appellate 576, 41 A2d 1054 (1979). Rockville Fuel v. Board of Appeals 257 Md. 183, 262 A2d 499 (1977).

The requirement that the professional person's office in their primary residence "... not occupy more than 25% of the total floor area of such residence ..." is fundamental to the definition and must be established by the Petitioner. The Petitioner has the burden of going forward and of meeting the burden of proof for every element of the definition of a special exception.

The evidence in this case concerning the actual size of the subject dwelling unit is unclear. Given the floor area sizes shown, the type of house (two story) and the evidence from the other exhibits, it is clear that the second floor cannot be larger than the first floor. Likewise, the evidence is very debatable concerning what area or rooms are being used for the office. There is admittedly an error on Petitioner's Exhibit 1, as stated by the Petitioner.

Clearly, the evidence is so conflicting that the Zoning Commissioner cannot make a finding of fact concerning what the actual area will be. The Petitioner has failed to meet her burden of proof as to the specific requirements for a professional office in a residence. This failure requires that the Petition for Special Exception must be denied.

Likewise, the burden of persuasion, clearly, set forth in Schultz v. Pritts 191 Md. 1, 432 A2d 1319 (1981) has not been met by the Petitioner relative to the requirements of Section 502.1. I cannot find, as a matter of law or fact, that the operation of this professional office at this location would be safe and/or not detrimental to the general welfare. The simple truth is that the

Petitioner's evidence does not carry forth the burden of proof established in the case law. "Clearly, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements ..." Rockville Fuel v. Board of Appeals 257 Md. 183, 190 (1970). The conflicting evidence relative to the traffic issues, all being of equal unprofessional qualification, is substantially conflicting and cannot be said to have risen to the level of complying with the burden of proof established by Schultz.

I do not wish to be misunderstood. I am not ruling against the Petitioner's requested special exception because I do not consider a professional psychiatrist office in the professional's person's primary residence undesirable in a D.R. zone. Clearly, that would be an impermissible decision. The presumption of approvability for this particular use within the D.R. 2 zone is clear. The Court of Appeals has stated that a special exception use is presumed approvable within the zone so long as the Petitioner meets her burden of going forward with evidence to substantiate all the requirements of Section 502.1. Therefore, desirability and all of the testimony concerning desirability is not relevant to the decision in this matter. See Rockville Fuel v. Board of Appeals, supra, Montgomery County v. Merlands Club, 202 Md. 279 (1952), Turner v. Hammond, 270 Md. 41 (1973) and Schultz v. Pritts, supra.

After reviewing all of the testimony and evidence presented, it appears that the special exception should not be granted.

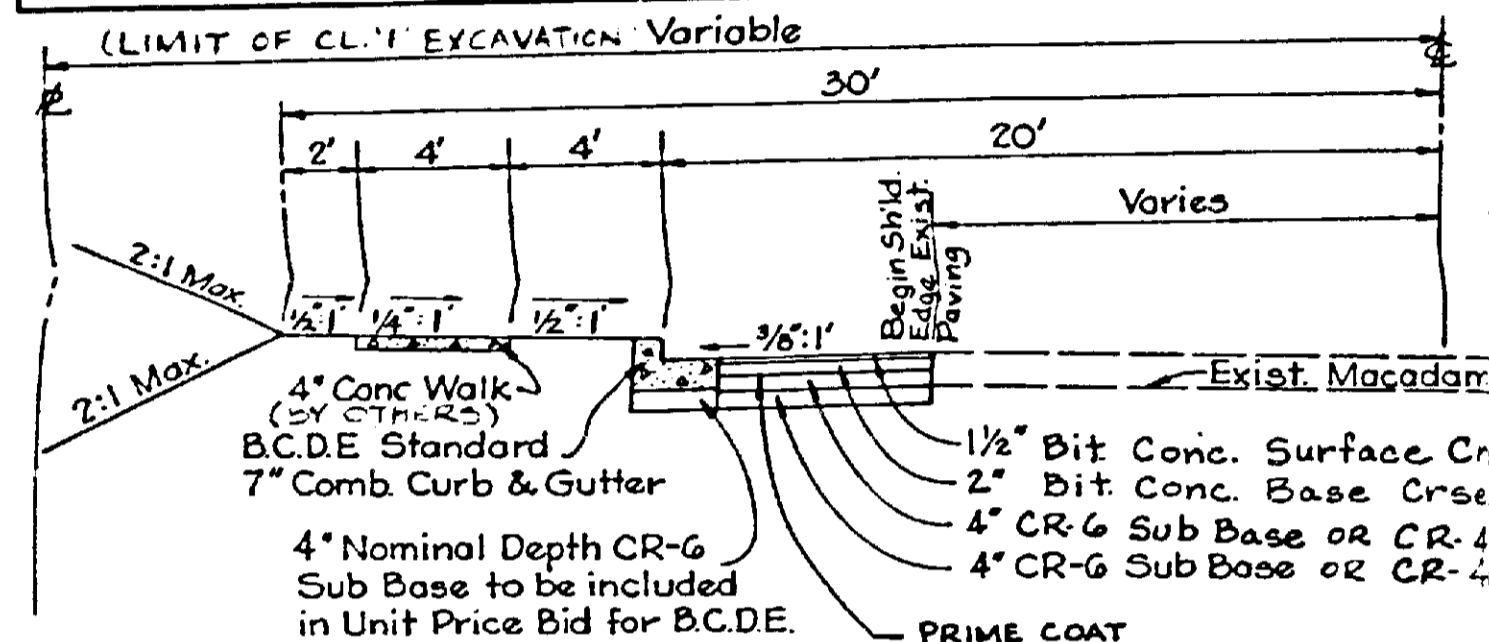
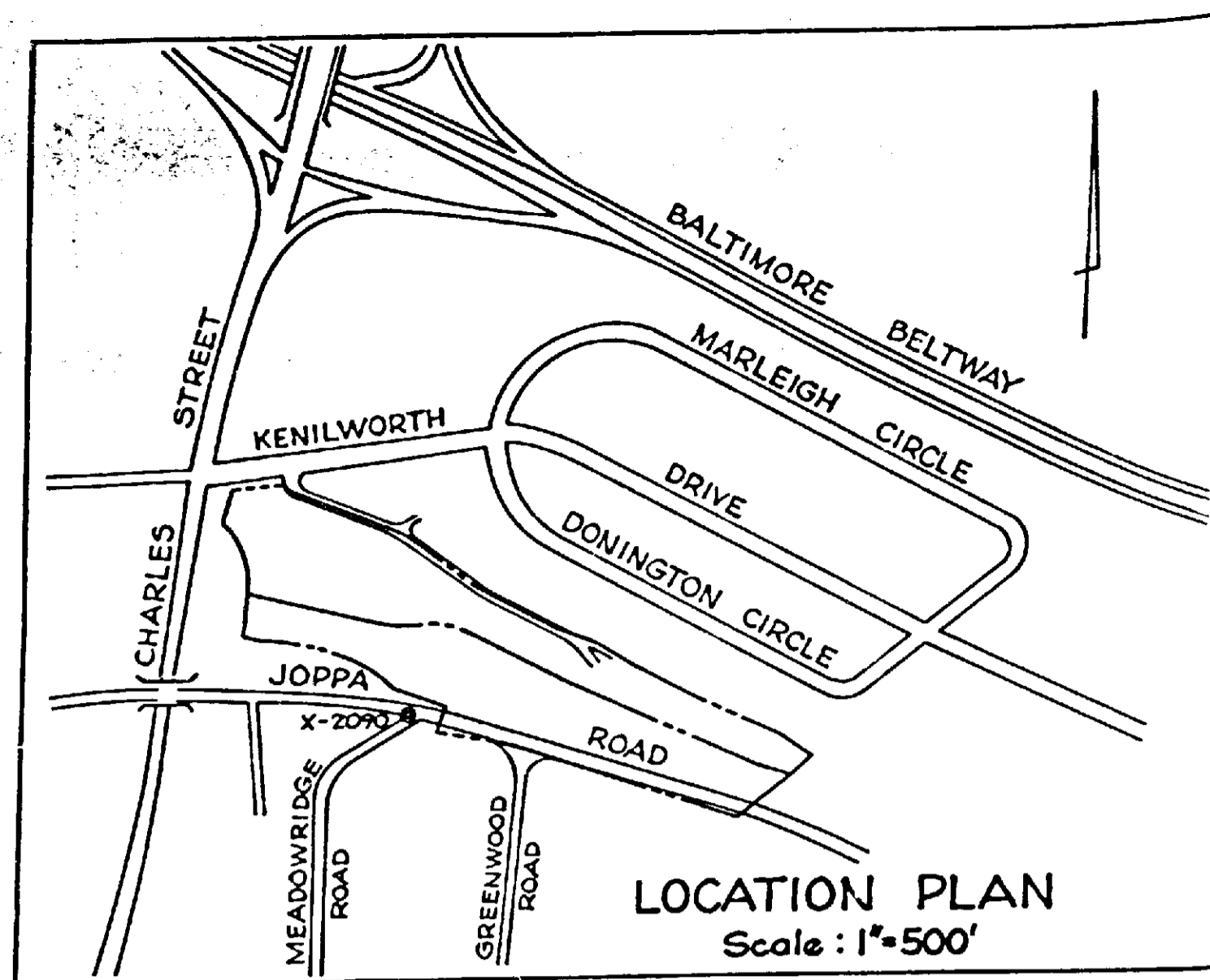
The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 and, as I have outlined above,

ORDER RECEIVED FOR FILING
Date 11/1/88
By M. Moreland

ORDER RECEIVED FOR FILING
Date 11/1/88
By M. Moreland

ORDER RECEIVED FOR FILING
Date 11/1/88
By M. Moreland

ORDER RECEIVED FOR FILING
Date 11/1/88
By M. Moreland



TYPICAL SECTION
STA 102+00 to STA 112+50
Scale: 1"=5'

SEE NOTES FOR SPECIAL TREATMENT OF EXIST. PAVING ON THE SOUTH SIDE FROM STA 109+00 TO STA 112+50
LWS 77-0579 S-2-62
255-5000 or 350-4
234-5001

BENCH MARK
BC.M.D. B.M. No. X-2090 ELEV. 495.76
Cut + @ W. end curb return SW.
Corner Joppa & Meadow Ridge Rds.

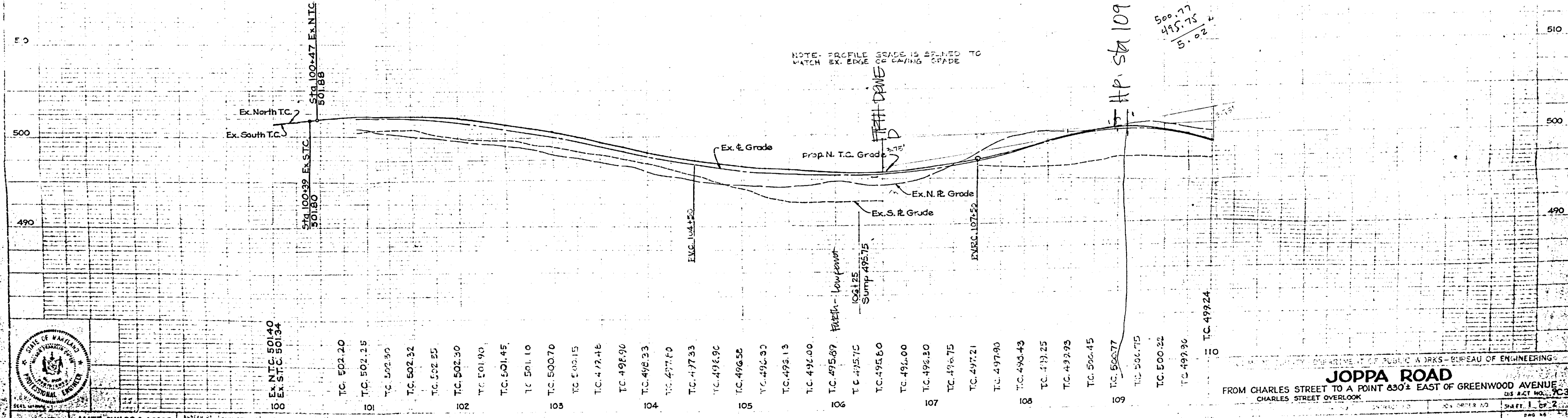
NOTE - CONTRACTOR TO MAINTAIN TRAFFIC AT ALL TIMES DURING CONSTRUCTION.

Curve Data
 $\Delta = 21^\circ 47' 17''$
 $R = 1432.39'$
 $L = 544.70'$
 $T = 275.68'$
 $\text{Chd.} = 563^\circ 20' 20.5'' \text{E}$
 $\text{Chd. Dist.} = 541.43'$

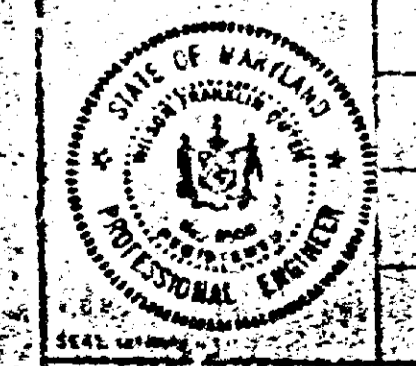
Notes: Limit of Contract on South Side From Sta. 100+54 to 109+00 is Edge of Existing Paving

Curve Data
 $\Delta = 03^\circ 00' 27''$
 $R = 5221.25'$
 $L = 274.07'$
 $T = 137.07'$
 $\text{Chd.} = S 70^\circ 56' 28'' \text{E}$
 $\text{Chd. Dist.} = 274.04'$

JOPPA ROAD

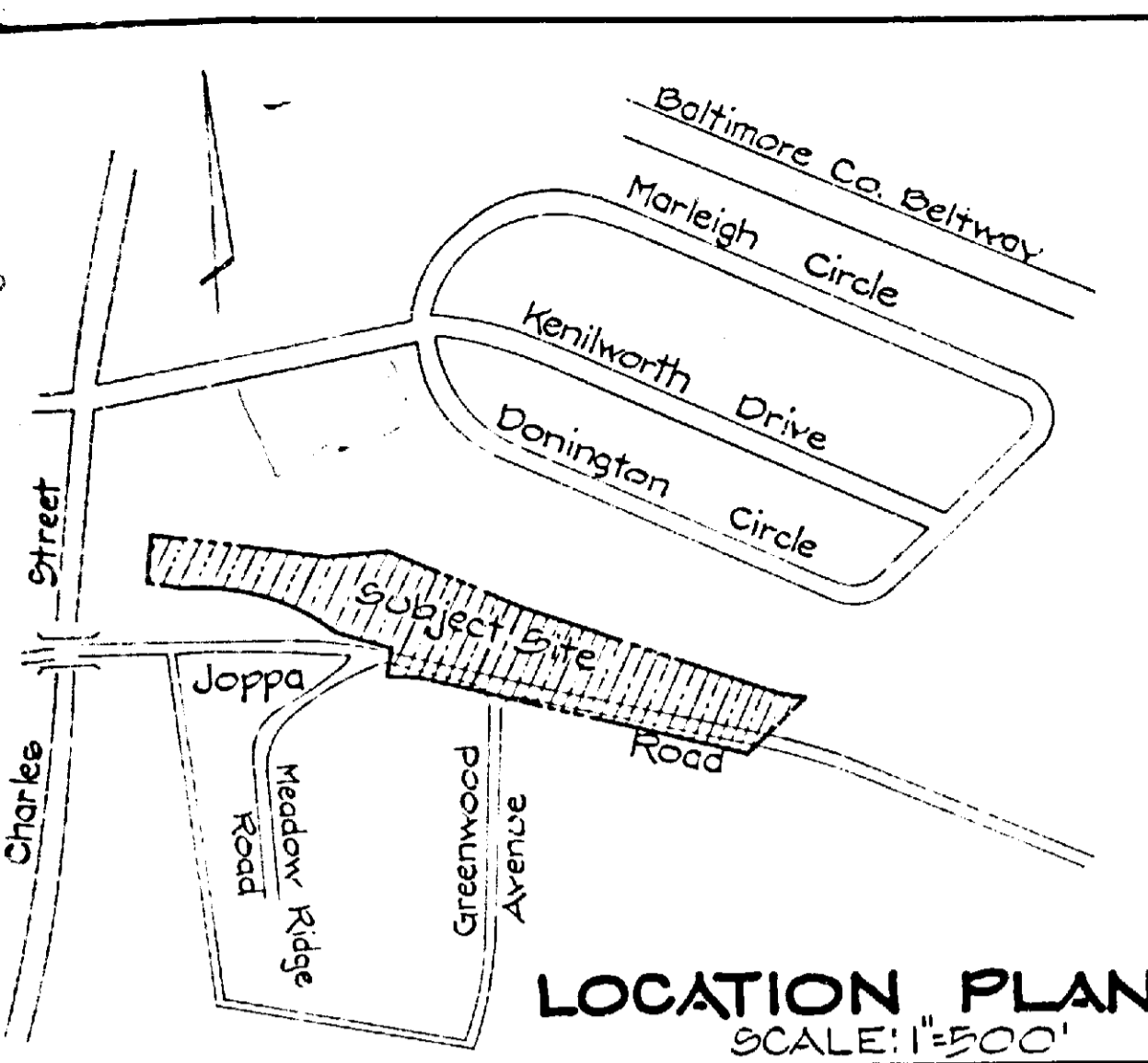


JOPPA ROAD
FROM CHARLES STREET TO A POINT 830' EAST OF GREENWOOD AVENUE
CHARLES STREET OVERLOOK



DESIGNED BY: MATZ, CHIRDS & ASSOC.
CHECKED BY: [Signature]
DATE: 8-31-70
APPROVED BY: [Signature]
DATE: 10-28-70
APPROVED BY: [Signature]
DATE: 10/28/70

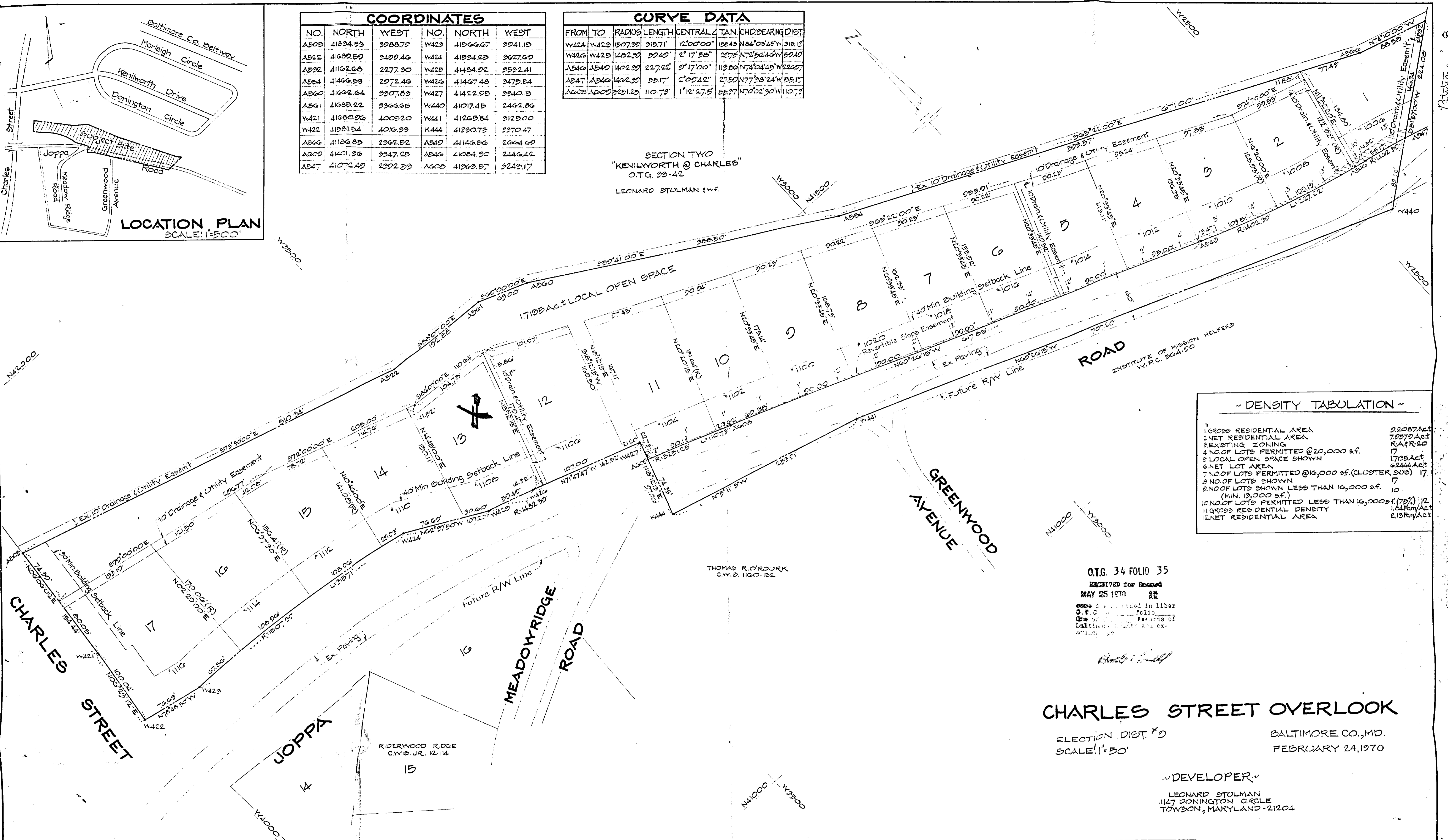
5-1-2606 70-0578(5)
MICROFILMED



COORDINATES					
NO.	NORTH	WEST	NO.	NORTH	WEST
A505	41834.53	3288.73	W423	41566.67	3241.15
A522	41680.50	3420.46	W424	41534.25	3227.60
A532	41162.68	2277.30	W425	41484.92	3532.41
A554	41466.53	2272.46	W426	41467.48	3475.54
A560	41662.64	3307.53	W427	41422.55	3340.15
A561	41685.22	3366.65	W440	41017.45	2462.86
W421	41680.96	4005.20	W441	41265.84	3125.00
W422	41581.54	4016.33	W444	41330.75	3370.47
A566	41186.85	2362.52	A540	41146.56	2664.60
A569	41421.36	3347.25	A546	41084.30	2446.42
A547	41072.40	2322.53	A608	41263.57	3242.17

CURVE DATA							
FROM	TO	RADIUS	LENGTH	CENTRAL	TAN.	CHD	BEARING DIST.
W424	W423	1507.30	315.71	12°00'00"	136.43	N84°08'45"W	315.12
W426	W425	1482.30	320.40	2°17'58"	25.75	N72°56'46"W	320.40
A546	A540	1402.30	227.22	9°17'00"	113.86	N74°04'45"W	222.07
A547	A546	1462.30	55.17	2°00'42"	27.80	N77°38'24"W	55.17
A608	A609	3251.25	110.73	1°12'27.5"	55.37	N70°02'30"W	110.73

SECTION TWO
"KENILWORTH @ CHARLES"
O.T.G. 33-42
LEONARD STOLMAN & W.F.



~ DENSITY TABULATION ~	
1. GROSS RESIDENTIAL AREA	22087 Act
2. NET RESIDENTIAL AREA	70570 Act
3. EXISTING ZONING	RAR-20
4. NO. OF LOTS PERMITTED @ 20,000 S.F.	17
5. LOCAL OPEN SPACE SHOWN	1735 Act
6. NET LOT AREA	6244 Act
7. NO. OF LOTS PERMITTED @ 16,000 S.F. (CLUSTER SUB)	17
8. NO. OF LOTS SHOWN	17
9. NO. OF LOTS SHOWN LESS THAN 16,000 S.F. (MIN. 12,000 S.F.)	10
10. NO. OF LOTS PERMITTED LESS THAN 16,000 S.F. (75%)	12
11. GROSS RESIDENTIAL DENSITY	1.84 Fam/Act
12. NET RESIDENTIAL AREA	21379 Act

O.T.G. 34 FOLIO 35

RECEIVED for Record
MAY 25 1970
O.F.O.
One of the Records of
Baltimore County and ex-
hibited to

CHARLES STREET OVERLOOK

ELECTION DIST. 7D
SCALE: 1"=50'

BALTIMORE CO., MD.
FEBRUARY 24, 1970

~ DEVELOPER ~

LEONARD STOLMAN
1147 DONINGTON CIRCLE
TOWSON, MARYLAND - 21204

APPROVED, BALTIMORE COUNTY PLANNING BOARD 4/15/70 DATE George S. Amadio DIRECTOR		APPROVED: DATE: DEPUTY STATE & COUNTY HEALTH OFFICER DATE: COUNTY ROADS ENGINEER		NOTE: STREETS and/or ROADS shown hereon and mention thereof in deeds are for purposes of description only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.		NOTE: COORDINATES and BEARINGS shown on this plat, are referred to the system of coordinates established in The Baltimore County Metropolitan District and are based on the following traverse stations: X4670 W4732.64 N42173.63 X4680 W3448.70 N42172.22 X4681 W3890.33 N42154.61		OWNERS CERTIFICATE: The requirements of Section 72-B, Article 17 of the Annotated Code of Maryland, (Flick 1947 Supplement) as far as they relate to the preparation of this plat have been complied with. Leonard Stulman OWNER DATE: 4/5/70		SURVEYORS CERTIFICATE: I, JOHN C. CHILDS SR., a Registered Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out, and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of land known as House Bill #459, Chapter 1016 of the Acts of 1945 and subsequent amendatory acts. REGISTERED LAND SURVEYOR: No. 3622 DATE: 4/5/70		MATZ, CHILDS & ASSOCIATES 1020 CROMWELL BRIDGE ROAD BALTIMORE 4, MD. COMPUTED: H.G.W. DRAWN: A.G.B. CHECKED: J.V.R. J.O. #52044	
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88-442-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
27th day of March, 1988.

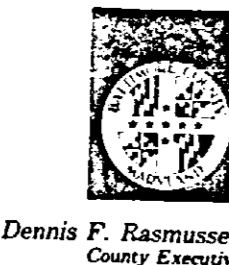
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Mary S. Furth, M.D. Received by: Dennis F. Rasmussen
Attorney _____ Chairman, Zoning Plans
Advisory Committee

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

June 10, 1988



S. Eric DiNenna, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
Case No. 88-442-X

Dear Mr. DiNenna:

Pursuant to the recent hearing held on the above captioned case, please be advised that your Petition for Special Exception has been DENIED, copy of which is attached hereto.

If you have any questions concerning the above matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

(Encs.)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
P. David Fields
FROM: Director of Planning and Zoning

Date: April 13, 1988

SUBJECT: Zoning Petition No. 88-442-X

This office is opposed to the granting of the subject request. The site layout combined with the lot size and topography provide for a paucity of parking; any overflow would park on the road, thereby impinging upon other properties in the area. It has been this office's experience that the parking needs for use of this type and size generally are greater than the minimum requirements set forth in the Baltimore County Zoning Regulations.

P. David Fields per J. H. Howell
P. David Fields
Director

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
APR 15 1988

ZONING OFFICE

IN RE: PETITION FOR SPECIAL * BEFORE THE
EXCEPTION NS JOPPA ROAD, * COUNTY BOARD
416' +/- from c/l *
Greenwood Road (1108 W. *
Joppa Road) 9th Election * OF APPEALS
District 4th Councilmanic *
District * Case No. 88-442X
MARY S. FURTH, M.D. *
Petitioner *

ORDER FOR APPEAL

Mr. Commissioner:

Please enter an appeal to the County Board of Appeals on behalf of the Petitioner, Mary S. Furth, M.D., from the decision of the Zoning Commissioner in Case No. 88-442-X dated June 14, 1988.

S. Eric DiNenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
409 Washington Avenue
Suite 600
Towson, Maryland 21204
(301) 296-6820

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on this 27th day of July, 1988, a copy of the foregoing Order for Appeal was mailed, postage prepaid to People's Counsel, Court House, Towson, Maryland 21204 and to James Constable, Esquire, Wright, Constable & Skeen, Sun Federal Building, Charles Center, Baltimore, Maryland 21201.

S. Eric DiNenna
S. ERIC DINENNA

RECEIVED ZONING OFFICE
DATE: 7/7/88

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

August 8, 1988



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception
NS Joppa Road, 416' +/- from c/l Greenwood Road
(1108 W. Joppa Road)
9th Election District, 4th Councilmanic District
Mary S. Furth, M.D. - Petitioner
Case No. 88-442-X

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on July 7, 1988 by S. Eric DiNenna, Attorney, on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: S. Eric DiNenna, DiNenna, Mann & Breschi, 409 Washington Avenue, Suite 600, Towson, Md. 21204 (Representing Petitioner)

James W. Constable, Esquire, Wright, Constable & Skeen, Sun Federal Building, Charles Center, Baltimore, Md. 21201 (Representing Protestants)

Louise M. Schulz, Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc., P.O. Box 204 - Riderwood, Md. 21139 (Contact person to notify all other Protestants)

People's Counsel, Rm. 304, County Office Bldg., Towson, Md. 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 6, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mary S. Furth, M.D.
1108 West Joppa Road
Towson, Maryland 21204

RE: Item No. 289 - Case No. 88-442-X
Petitioner: Mary S. Furth, M.D.
Petition for Special Exception

Dear Dr. Furth:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: VTAssociates, Inc.
Surveying & Engineering
3132 East Joppa Road
Baltimore, Maryland 21234

APPEAL

Petition for Special Exception
NS Joppa Road, 416' +/- from c/l Greenwood Road
(1108 W. Joppa Road)
9th Election District - 4th Councilmanic District
MARY S. FURTH, M.D. - Petitioner
Case No. 88-442-X

Petition for Special Exception

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1.) Plat to accompany Petition

2.) Copy of qualifications of Mary Furth, M.D.

3.) Three 3" x 5" photographs of location

Protestant's Exhibits: 1.) Copy of Oath of President of Improvement Association

2.) Copy of chart showing office space available with the boundaries of the area

3., 5., & 6.) Original Petition of neighbors' opposition to Special Exception (Case No. 88-289)

4.) One 3" x 5" photograph of location

Zoning Commissioner's Order dated June 14, 1988 (Denied)

Notice of Appeal received July 7, 1988 from S. Eric DiNenna on behalf of the Petitioner

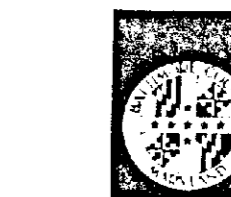
People's Counsel of Baltimore County

Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
James Howell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

March 11, 1988



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 289 - ZAC - Meeting of February 23, 1988
Property Owner: Mary S. Furth, M.D.
Location: NS Joppa Rd. 416' (+ or -) to c/l of Greenwood Rd.
Existing Zoning: D.R. 2
Proposed Zoning: Special Exception for physician's private office in the physician's residence.
Area: .4121 acre (+ or -)
District: 9th Election District

Dear Mr. Haines:

The site plan should provide for off-street parking for this site.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/pml-b

RECEIVED
MAR 15 1988

ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinecke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

February 18, 1988



Dennis F. Rasmussen
County Executive

Re: Property Owner: Mary S. Furth, M.D.

Location: N/S Joppa Rd., 416' +/- to c/l Greenwood Rd.

Item No.: 289 Zoning Agenda: Meeting of 2/23/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reinecke* Noted and Approved: *J. Robert Haines*
Planning Group Fire Prevention Bureau
Special Inspection Division

/31

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

September 1, 1988



Dennis F. Rasmussen
County Executive

Mrs. Lucielle W. Bull
1239 Wine Spring Lane
Towson, Maryland 21204

Re: Case Number: 88-442-X
Petitioner(s): Mary Furth, M.D.

Dear Ms. Bull:

This office is in receipt of yours of August 29, 1988, and thank you for same.

Please be advised that the matter was heard by Zoning Commissioner Haines and the Special Exception denied under his Order dated June 14, 1988. However, the Petitioner has opted to appeal this decision, and, as such, the matter will now be heard by the County Board of Appeals. I am attaching a copy of their Notice of Assignment hereto for your convenience. Additionally, a copy of your letter has been forwarded to the Board of Appeals.

Please feel free to contact the Board of Appeals directly should you have any questions regarding their handling of the matter.

Very truly yours,

Paul H. Reinecke
Paul H. Reinecke
Docket Clerk

GGS

RUXTON RIDGE
COMMUNITY ASSOCIATION, INC.
TOWSON, MARYLAND 21204

August 29, 1988

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case #88-442-X
Special Exception

Dear Commissioner Haines:

This letter of opposition to the petition for the Special Exception for the above case is on behalf of the Ruxton Ridge Community Association, Inc. Opposition was first expressed through a letter to you dated May 6 written by our former President, Mr. Roland F. S. Young.

As stated by Mr. Young, there is ample office space in Towson and even as close as Bellona Ave. and Kenilworth Ave., and to set this precedent we feel would be a serious mistake. Joppa Road traffic is already very heavy, not to mention the portion of our Wine Spring Lane that is used as a cut-through from Joppa Road to Charles Street. I assure you that all of our residents are totally against business moving any further into the residential areas.

As President and spoken person for our Association, we urge you to deny this request for a Physician's Private Office.

Sincerely yours,

Lucielle W. Bull
Mrs. Lucielle W. Bull
1239 Wine Spring Lane
Towson, Maryland 21204

b/b

RECEIVED
SEP 1 1988

ZONING OFFICE

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX: (301) 296-3719

WALLACE DANY
COUNSEL

October 24, 1988

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS
WILLIAM R. LEVASSEUR, JR.

Mr. Lawrence E. Schmidt
County Board of Appeals of
Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Paradise Professional Center
Case No. CBA-88-124 and
Caton Joint Venture
Case No. 88-455-X

Dear Mr. Schmidt:

Thank you for your letter of October 18, 1988. You are correct that I dismissed the appeal from the decision of the Zoning Commissioner predicated on the fact that no appeal had been taken by the protestants. Prior to my dismissing the appeal, I had confirmed with your office that no such appeal had been entered by the protestants. Since an appeal was filed, I am hereby requesting that the appeal filed by Caton Joint Venture, the developer, be reinstated before the Board of Appeals.

Thank you for your kind attention to this matter.

Very truly yours,

EVANS, GEORGE & BRONSTEIN

George Evans
Benjamin Bronstein

RECEIVED
OCT 26 1988
ZONING OFFICE

BB/bjs

Mr. Lawrence E. Schmidt

-2-

October 24, 1988

cc: Mr. & Mrs. Mark Moody
Caton Joint Venture
J. Strong Smith, P.E.
Joseph Pallozi
Patrick Crone
Berchie Manley
Jane Twamley
Current Planning Office
Economic Development Commission
Robert Covahey
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney
Nancy C. West, Esquire
People's Counsel for Baltimore County

RECEIVED ZONING OFFICE
DATE: *5/2/89*

May 16, 1988

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Commissioner Haines:

RE: Case #88-442-X
Special Exception

I am writing to express my opposition to the petition for the special Exception at 1108 West Joppa Road.

I and many of my neighbors feel that this would be detrimental to our neighborhood. This is a low-density residential community and I know many of my neighbors and I are very concerned about setting the kind of precedent this exception would allow. Another major concern is the traffic coming from both directions, it is very difficult to get in and out of the driveways on West Joppa Road and to add to this already difficult situation could be a disaster.

There does not appear to be any necessity for the creation of office space in this residential community, when in fact, it is about a mile from Towson Proper where ample unoccupied office space is available with more under construction!

As a resident on West Joppa Road, I appeal to you to deny this request for Physician's Private Office at 1108 W. Joppa Road.

Sincerely,

Phillip Ross
1103 W. Joppa Road

Bob Haines, Zoning Commissioner
Baltimore Zoning Commission
111 W. Chesapeake Ave.
Towson, MD

RECEIVED ZONING OFFICE
DATE: *5/2/88*

May 23, 1988

Re: Request For Zoning
Exception - Dr. Furth 1108
W. Joppa Rd., Towson, MD

Dear Mr. Haines:

This letter is to express my continued opposition to the encroachment by various types of businesses into the residential neighborhoods of West Towson.

Prior to Dr. Furth acquiring the property at 1108 W. Joppa Road she considered purchasing 529 Piccadilly Road which is just two houses down from my house. To her credit, however, she surveyed the surrounding property owners to determine the amount of community opposition to her opening an office at this location. I and apparently others in the neighborhood objected and she did not acquire the property on Piccadilly Road.

The encroachment of business into residential neighborhoods must stop if the residential character of West Towson is going to be preserved. I am against permitting this zoning exception.

Sincerely,

Donald P. Eveleth
Donald P. Eveleth
525 Piccadilly Road
Towson, MD 21204

Re: Case #88-442-X
Special Exception

RECEIVED ZONING OFFICE
DATE: *5/2/88*

J. Robert Haines
Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Commissioner Haines:

We are writing in opposition to the petition for Special Exception at 1108 W. Joppa Road.

We feel this is not to the benefit of our neighborhood and we are quite concerned about the kind of precedent this zoning exception would set. Our property is directly across the road from 1108 Joppa and we are concerned about the increased traffic caused by having a doctor's office at this address.

(over)

J. Robert Haines
Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Commissioner Haines:

I am opposed to the Physician's Private Office in the Physician's Residence at 1108 W. Joppa Rd. Case # 88-442X. I live on Meadow Ridge Road and the traffic is so bad that it is harder and harder to get onto W. Joppa Road. This is a residential community. We are most concerned about setting the kind of precedent this zoning exception would allow.

Mrs. H. Russell Spence
614 Meadow Ridge Road
Towson, Md. 21204

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS

88-442X
C. G. Furth 1102 W. Joppa Rd. 21204
Beverly M. Smith 1106 W. Joppa Rd. 21204
Margaret A. Smith 1104 W. Joppa Rd. 21204
Mary Alice Guder 611 Ridge Rd. 21204
Beverly M. Smith 611 Ridge Rd. 21204
Lynn H. Smith 1102 W. Joppa Rd. 21204
Robert J. Smith 1106 W. Joppa Rd. 21204
P. C. Charvat 1102 W. Joppa Rd. 21204
Julia K. Smith 1104 W. Joppa Rd. 21204
Patricia Christian 1102 W. Joppa Rd. 21204
W. K. Smith 1106 W. Joppa Rd. 21204
William F. Smith 1104 W. Joppa Rd. 21204
Robert J. Smith 1102 W. Joppa Rd. 21204
Julia K. Smith 1104 W. Joppa Rd. 21204
W. K. Smith 1106 W. Joppa Rd. 21204

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER

SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

August 3, 1988

Board of Appeals for
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Case No.: 88-442X
Location: 1108 W. Joppa Road
Property Owner: Furth

Dear Mr. Chairman:

A timely Appeal was filed by the property owner from the Decision of the Zoning Commissioner of Baltimore County dated June 14, 1988.

There are other matters concerning this property pending before the Circuit Court for Baltimore County and it would be imperative that this Appeal be heard by your Board as soon as possible.

Accordingly, I would respectfully request that you set this matter in for hearing and would further request that you office contact me and other counsel to discuss an appropriate date so there is no request for postponement necessary.

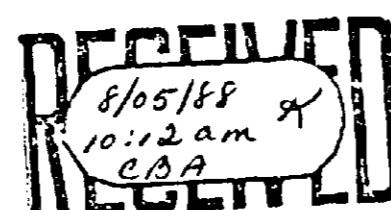
Thank you for your cooperation.

Very truly yours,

S. ERIC DINENNA

SED:bk

cc: Dr. Mary Furth
People's Counsel for Baltimore County
James Constable, Esquire



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

October 18, 1988

S. Eric Dinenna, Esq.
Suite 600, 409 Washington Ave.
Towson, Md. 21204

Dear Mr. Dinenna:

Re: Case No. 88-442-X
Mary S. Furth, M.D.

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

enc.

cc: Mary S. Furth, M.D.
James W. Constable, Esq.
Louise M. Schulz
People's Counsel
P. David Fields
J. Robert Haines
Ann Nastarowicz
James Dyer
Arnold Jablon, Esq.
Docket Clerk

8/15/88 - Follow. notified of hear. set for Tues. Oct. 4, 1988, at 10 a.m.:

Mary Furth
Eric Dinenna
James Constable
Louise Schulz
People's Counsel
D. Fields, J. Hosell
R. Haines, A. Nastarowicz, J. Dyer, D. Clerk

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3233

J. Robert Haines
Zoning Commissioner

August 8, 1988

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception
NS Joppa Road, 416' +/- from c/l Greenwood Road
(1108 W. Joppa Road)
9th Election District, 4th Councilmanic District
Mary S. Furth, M.D. - Petitioner
Case No. 88-442-X

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on July 7, 1988 by S. Eric Dinenna, Attorney, on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

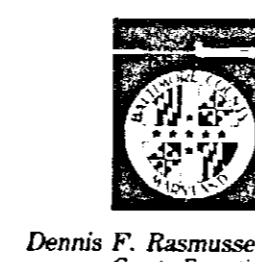
Enclosures

cc: S. Eric Dinenna, Dinenna, Mann & Breschi, 409 Washington Avenue,
Suite 600, Towson, Md. 21204 (Representing Petitioner)

James W. Constable, Esquire, Wright, Constable & Skeen, Sun
Federal Building, Charles Center, Baltimore, Md. 21201
(Representing Protestants)

Louise M. Schulz, Ruxton-Riderwood-Lake Roland Area Improvement
Association, Inc., P.O. Box 204 - Riderwood, Md. 21139 (Contact
person to notify all other Protestants)

People's Counsel, Rm. 304, County Office Bldg., Towson, Md. 21204



Dennis F. Rasmussen
County Executive

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER

SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

September 1, 1988

County Board of Appeals
County Office Building
Towson, Maryland 21204

RE: Case No.: 88-442-X
My Client: Mary Furth, M.D.
Location: 1108 West Joppa Road

Dear Mr. Chairman:

Enclosed herewith please find four (4) copies of an amended site plan showing the square footage of the structure. Upon reviewing the opinion of the zoning commissioner concerning this matter at time of calculation of the existing structure due to a mistake of the hearing.

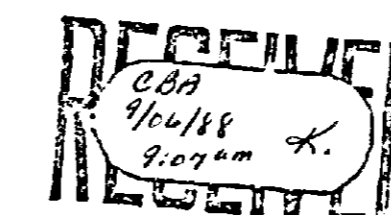
Thank you for your cooperation.

Very truly yours,

S. ERIC DINENNA

SED:cjc

cc: Mary Furth, M.D.
James Constable, Esq.
People's Counsel
Enclosures



IN RE: PETITION FOR SPECIAL * BEFORE THE
EXCEPTION * COUNTY BOARD OF APPEALS
NS Joppa Road, 416' +/- from c/l Green- *
wood Road (1108 W. * FOR BALTIMORE COUNTY
Joppa Road) * Case No. 88-442X
9th Election Dis- *
trict, 4th Council- *
manic District *

Mary S. Furth, M.D. *
Petitioner *

REQUEST FOR SUBPOENA

MARY S. FURTH, M.D., Defendant, requests the issuance of Subpoenas in the form attached to this request.

S. ERIC DINENNA
DINENNA, MANN & BRESCHI
409 Washington Avenue,
Suite 600
Towson, Maryland 21204
(301)296-6820

IN RE: PETITION FOR SPECIAL * BEFORE THE
EXCEPTION * COUNTY BOARD OF APPEALS
NS Joppa Road, 416' +/- from c/l Green- *
wood Road (1108 W. * FOR BALTIMORE COUNTY
Joppa Road) * Case No. 88-442X
9th Election Dis- *
trict, 4th Council- *
manic District *

Mary S. Furth, M.D. *
Petitioner *

REQUEST FOR SUBPOENA DUCES TECUM

To: Mr. Richard Moore
Director
Department of Traffic Engineering
Department of Public Works
4th Floor
County Courts Building
Towson, Maryland 21204

At the request of S. ERIC DINENNA YOU ARE COMMANDED BY THIS COURT to appear and testify at the following date, time and place:

Date: October 4, 1988

Time: 10:00 A.M.

Place: County Board of Appeal, Third Floor, County Office Building, Towson, Maryland 21204.

YOU ARE FURTHER COMMANDED to bring with you to the hearing any comments, plans, specifications, calculations with reference to Case No. 88-442X, Request for Special Exception at 1108 West Joppa Road, 9th Election District, 4th Councilmanic District, Towson, Maryland 21204.

S. ERIC DINENNA
DINENNA, MANN & BRESCHI
409 Washington Avenue,
Suite 600
Towson, Maryland 21204
(301)296-6820

Mr. Sheriff:

Please issue the above summons.

June Holmen
Board of Appeals



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

September 29, 1988

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 315, County Office Building
Towson, Maryland 21204

RE: Mary S. Furth, M.D., Petitioner
Zoning Case No. 88-442-X

Dear Chairman Hackett:

Please issue a summons for the following person to attend the hearing in the above case on Tuesday, October 4, 1988, at Room 301, County Office Building, 111 W. Chesapeake Ave., Towson, MD 21204:

SCT. John Lang
Central Traffic Division
Baltimore County Police Department
308 Washington Avenue
Towson, Maryland 21204.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

ISSUED: *June Holman*
June Holman, Secretary
County Board of Appeals

DATE: *9/29/88*

IN RE: PETITION FOR SPECIAL * BEFORE THE
EXCEPTION * COUNTY BOARD OF APPEALS
NS Joppa Road, 416' *
4/4 from c/l Green- *
wood Road (1108 W. *
Joppa Road) * FOR BALTIMORE COUNTY
9th Election Dis- *
trict, 4th Council- *
manic District *

Mary S. Furth, M.D. *
Petitioner *

REQUEST FOR SUBPOENA DUCES TECUM

To: Mr. Richard Moore
Director
Department of Traffic Engineering
Department of Public Works
4th Floor
County Courts Building
Towson, Maryland 21204

At the request of S. ERIC DINENNA YOU ARE COMMANDED BY THIS COURT to appear and testify at the following date, time and place:

Date: October 4, 1988

Time: 10:00 A.M.

Place: County Board of Appeal, Third Floor, County Office Building, Towson, Maryland 21204.

YOU ARE FURTHER COMMANDED to bring with you to the hearing any comments, plans, specifications, recommendations with reference to Case No. 88-442X, Request for Special Exception at 1108 West Joppa Road, 9th Election District, 4th Councilmanic District, Towson, Maryland 21204.

S. Eric Dinenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
409 Washington Avenue,
Suite 600
Towson, Maryland 21204
(301)296-6820

Mr. Sheriff:

Please issue the above summons.

June Holman
June Holman
Board of Appeals

DINENNA, MANN & BRESCHI

ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER

SUITE 600
MECAVILLE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

August 31, 1988

County Board of Appeals
for Baltimore County
Room 315
County Office Building
Towson, Maryland 21204

RE: Case No: 88-442-X
My Client: Mary S. Furth, M.D.

Dear Mr. Chairman:

I am in receipt of your notification to me of the above-captioned matter set for hearing on October 4, 1988, at 10:00 a.m.

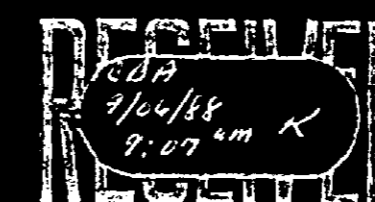
This is to advise you that I am willing to go forward with this matter on that date and time, but further, to advise you, that I have a matter set before the Zoning Commissioner at 2:00 p.m. on that date.

Thank you for your cooperation.

S. Eric Dinenna
S. ERIC DINENNA

SED:cjc

cc: James Constable, Esq.
People's Counsel
c/o Phyllis Cole Friedman
Mary Furth, M.D.



RUXTON RIDGE COMMUNITY ASSOCIATION, INC.

TOWSON, MARYLAND 21204

August 29, 1988

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case #88-442-X
Special Exception

Dear Commissioner Haines:

This letter of opposition to the petition for the Special Exception for the above case is on behalf of the Ruxton Ridge Community Association, Inc. Opposition was first expressed through a letter to you dated May 6 written by our former President, Mr. Roland F. S. Young.

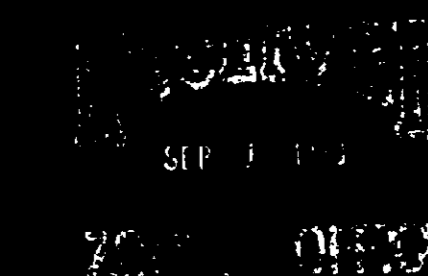
As stated by Mr. Young, there is ample office space in Towson and even as close as Bellona Ave. and Kenilworth Ave., and to set this precedent we feel would be a serious mistake. Joppa Road traffic is already very heavy, not to mention the portion of our Wine Spring Lane that is used as a cut-through from Joppa Road to Charles Street. I assure you that all of our residents are totally against business moving any further into the residential areas.

As President and spokes person for our Association, we urge you to deny this request for a Physician's Private Office.

Sincerely yours,

Lucille W. Bull
Mrs. Lucille W. Bull
1239 Wine Spring Lane
Towson, Maryland 21204

b/b



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 491-3180

HEARING ROOM #218

August 15, 1988

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-442-X

MARY S. FURTH, M.D.

N/s Joppa Rd., 416' fr. c/l Greenwood Rd.
9th E. District

SE-Physician's private office in residence
at 1108 W. Joppa Rd.

ASSIGNED FOR:

TUESDAY, OCT. 4, 1988, at 10 a.m.

cc: Mary Furth, M.D.

Petitioner

S. Eric Dinenna, Esq.

Counsel for Petitioner

James Constable, Esq.

" " Protestants

Louise Schulz, et al

Protestants

People's Counsel

Planning Office

Robert Haines

Zoning Office

Ann Nastarowicz

" "

James Dyer

" "

Doc. Clerk

" "

Arnold Jablon, County Attorney

" "

June Holman, Secy.

the Petitioner has failed to meet that burden. Likewise, the Petitioner has failed to meet her burden of proof as to compliance with the specific permitted type of office in a professional person's primary residence as set forth in the B.C.Z.R.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 and the definition of an office for a professional psychiatrist in the professional person's primary residence having not been met, the special exception should be denied.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this 14th day of June, 1988 that the Petition for Special Exception to use the herein described property, at 1108 West Joppa Road, Towson, Md. 21204, for a physician's professional office located within the primary residence be and is hereby DENIED.

JRH:mn
cc: Peoples Counsel

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION FOR SPECIAL EXCEPTION * BEFORE THE
NS JOPPA ROAD, 416' +/- from * ZONING COMMISSIONER
c/l Greenwood Road *
(1108 W. Joppa Road) 9th Election *
District - 4th Councilmanic * FOR
District - Item #289 *
Petitioner: Mary S. Furth, M.D. * BALTIMORE COUNTY
* Case No.: 88-442-X *

REQUEST FOR SUBPOENA

Mary S. Furth, M.D., Petitioner requests the issuance of a subpoena in the form attached to this request.

Eric Dinenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
409 Washington Avenue
Suite 600
Towson, Maryland 21204
(301) 296-6820
Attorney for Petitioner
Mary S. Furth, M.D.

PETITION FOR SPECIAL EXCEPTION * BEFORE THE
NS JOPPA ROAD, 416' +/- from * ZONING COMMISSIONER
c/l Greenwood Road *
(1108 W. Joppa Road) 9th Election *
District - 4th Councilmanic * FOR
District - Item #289 *
Petitioner: Mary S. Furth, M.D. * BALTIMORE COUNTY
* Case No.: 88-442-X *

SUBPOENA DUCES TECUM

TO: Michael S. Flannigan
Traffic Engineer Associate II
Department of Public Works
Bureau of Traffic Engineering
County Courts Building
Suite 405
Towson, Maryland 21204

At the request of Petitioner YOU ARE COMMANDED BY THIS COURT to appear and testify at the following date, time and place:

DATE: Wednesday, May 25, 1988
TIME: 9:30 A.M.

PLACE: Before the Zoning Commissioner for Baltimore County, Room 106, County Office Building, Towson, Maryland 21204.

YOU FURTHER ARE COMMANDED to bring with you all traffic counts for Greenwood Road at Joppa Road, and all national guidelines and statistics relative to an office use in a residence for 2000 square feet of office use in a residential zone.

Eric Dinenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
409 Washington Avenue
Suite 600
Towson, Maryland 21204
(301) 296-6820
Attorney for Petitioner, Mary S. Furth, M.D.

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Physicians private office in the Physicians residence at 1108 West Joppa Road Towson, Maryland 21204

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City and State

Signature

Attorney for Petitioner:

Address

(Type or Print Name)

Address

Signature

City and State

Address

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State

Name

Attorney's Telephone No.: 296-6820

Name

Address

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of May, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of May, 1988, at 10 o'clock A.M.

20188-Resd for 5/25/88 at 930 J. Robert Haines
Zoning Commissioner of Baltimore County.

RECEIVED
DATE 2-1-88
REVIEWED BY: JRS DATE 2-1-88

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 2th Date of Posting August 12-88

Posted for: Mary S. Furth, M.D.

Petitioner: Mary S. Furth, M.D.

Location of property: 1108 W. Joppa Road, Towson, Md.

Location of Sign: 1108 W. Joppa Road

Remarks:

Posted by: J. Robert Haines Date of return August 19-88

Number of Signs: 1

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., May 4, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on May 4, 1988.

TOWSON TIMES.

Susan Sander O'Brien
Publisher

52.00

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Special Exception
Case Matters 88-442-X
NS Joppa Road, 416' +/- from c/l Greenwood Road
(1108 W. Joppa Road)
9th Election District - 4th Councilmanic District
Petitioner(s): Mary S. Furth, M.D.
HEARING SCHEDULED: Wednesday, May 25, 1988 at 9:30 a.m.
Special Exceptions Physician's private office in the Physician's residence at 1108 W. Joppa Road, Towson, Maryland 21204.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
cc: Mr. John
to Mr. Flannigan, to be posted on first notice.

VT ASSOCIATES, INC.

SURVEYING & ENGINEERING
3122 EAST JOPPA ROAD
BALTIMORE, MD 21234
668-0030

PROPERTY DESCRIPTION

BEGINNING on the north side of Joppa Road, variable width, at the distance of 416 feet, more or less in a northwesterly direction from the extended centerline of Greenwood Road as shown on Baltimore County Bureau of Engineering Road Drawing No. 70-0579 (5). Being known and designated as Lot 13 as shown on a plat entitled "Charles Street Overlook" which plat is recorded among the Land Records of Baltimore County in Plat Book D.T.G. No. 34 Folio 35. The improvements thereon being known as No. 1108 W. Joppa Road.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
N/S Joppa Rd., 416' +/- from C/L of : OF BALTIMORE COUNTY
Greenwood Rd. (1108 W. Joppa :
Rd.), 9th Election District; :
4th Councilmanic District :
MARY S. FURTH, M.D., Petitioner : Case No. 88-442-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 12th day of April, 1988, a copy of the foregoing Entry of Appearance was mailed to Mary S. Furth, M.D., 1108 West Joppa Rd., Towson, MD 21204, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

MAR 22 1988

NOTICE OF HEARING

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Petitioner(s): Mary S. Furth, M.D.
HEARING SCHEDULED: Wednesday, May 25, 1988 at 9:30 a.m.

Special Exceptions Physician's private office in the Physician's residence at 1108 W. Joppa Road, Towson, Maryland 21204.

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J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Mr. John
to Mr. Flannigan, to be posted on first notice.

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., May 5, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 5, 1988

THE JEFFERSONIAN,

Susan Linder Obeult

Publisher

33.75

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Special Exception
Case Number: 88-442-X
105 Joppa Road, 415' +/- from c/l Greenwood Road
9th Election District - 4th Councilmanic District
Petitioner(s): Mary S. Furth, M.D.
Hearing Date: Wednesday, May 25, 1988 at 9:30 a.m.
Special Exception: Physician's private office in the Physician's residence at 105 Joppa Road, Towson, Maryland 21204.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission may, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
5001 May 5

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 5/11/88
Posted for: Special Exception
Petitioner: Mary S. Furth, M.D.
Location of property: 105 Joppa Rd., 415' +/- of Greenwood Rd., 9th Election District, Towson, Md.
Location of Sign: Signs placed in yard, one on each side of driveway, one on front of driveway
Remarks: See Petition
Posted by: J. Robert Haines Date of return: 5/16/88
Number of Signs: 4

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-5353

J. Robert Haines
Zoning Commissioner
Mary S. Furth, M.D.
1108 West Joppa Road
Towson, Maryland 21204

Date: MAY 10 1988



Re: Petition for Special Exception
Case Number: 88-442-X
105 Joppa Road, 415' +/- from c/l Greenwood Road
(1108 W. Joppa Road)
9th Election District - 4th Councilmanic District
Petitioner(s): Mary S. Furth, M.D.
HEARING SCHEDULED: MONDAY, MAY 2, 1988 at 10:00 a.m.
Red for: May 25, 1988 at 9:30 am

Dear Dr. Furth:

Please be advised that \$100.95 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring to Office, County Office (15) minutes before

BALTIMORE COUNTY, MARYLAND No. 52428
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 5/25/88 ACCOUNT: P.O. # 100-000
AMOUNT: \$ 100.95 yours,
RECEIVED FROM: Mary Furth
FOR: Robert Haines 5/25/88 Haines
ISSUANCE OF COUNTY
VALIDATION OR SIGNATURE OF CASHIER
CC: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-5353

J. Robert Haines
Zoning Commissioner

MAY 17 1988

NOTICE OF HEARING



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In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of Baltimore County

CC: Mary S. Furth, M.D.
Kent Tashiro, C.A.
Robert Bush
Kurt Amorn
Gail O'Donovan
Louise Schult
Petricia Christian

CURRICULUM VITA
MARY LOUISE STANG FURTH, M.D., M.P.H.

Social Security Number: 219-32-3892

Office Address and Telephone: 1108 West Joppa Road
Towson, Maryland 21204
(301) 494-1527

Born November 25, 1931 in Baltimore, Maryland

Education:

High School - Hannah More Academy (1945-1949)
Undergraduate - St. Agnes School of Nursing
University of Maryland, College Park - B.S. 1953

Post-Graduate Training:

Medical School - University of Maryland - M.D. 1957
Pediatrics 1957-1959
Post-Doctoral Fellowship - Johns Hopkins (Phipps)
Suicidology 1969-1970
Masters in Public Health - Johns Hopkins School of Hygiene
1970-1972
Masters Program in Special Education - Johns Hopkins, Homewood
1972-1974
Residency and Child Fellowship in Psychiatry - University of
Maryland Hospital, Institute of Psychiatry and Human Behavior,
1974 - July 1978

Major Research Interest:

Neuropsychiatric disorders in children showing central
processing disorders and communication disorders

Licensure: Maryland #D01102 Expires 9/30/89 Received 1958

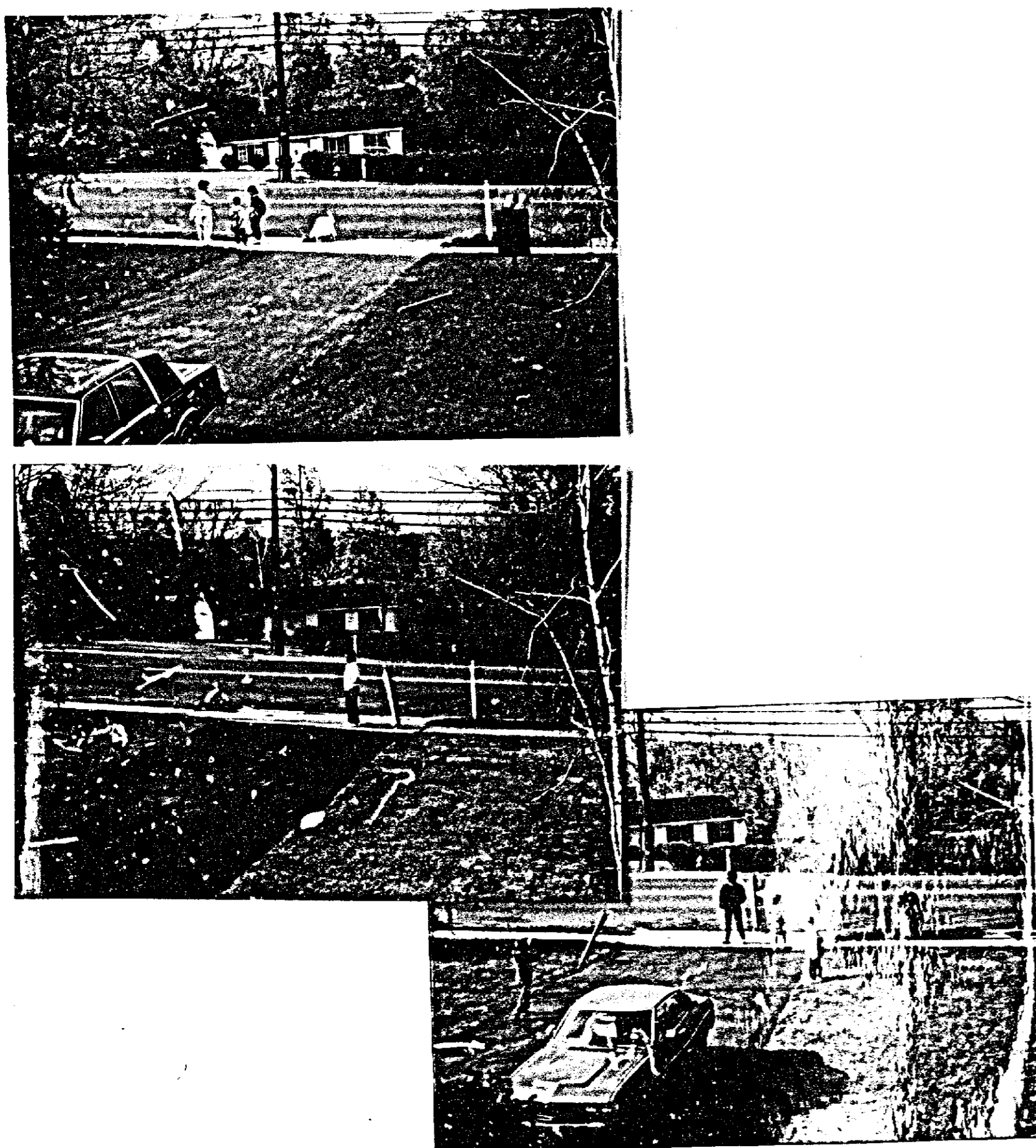
Certification: Board certified in General Psychiatry - January 1980
Board certified in Child Psychiatry - February 1981

Academic and Professional Society Memberships:

American Psychiatric Association
American Public Health Association
American Association of Suicidology
Associate Member - Academy of Pediatrics
Medical and Chirurgical Faculty of Maryland
Baltimore City Medical Association
Maryland Pediatric Association

PETITIONER'S
EXHIBIT 2

PETITIONER(S) EXHIBIT (3)



STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY THAT ON THIS 23 day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Jeanne P. Saybolt and made oath in due form as follows:

1. Louise M. Schulz is the Executive Director of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc.
2. She is currently a duly elected member of the Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc., she is authorized to speak for and present the views of the Association, and has accurate knowledge of number of members in the Association, and the geographical limits of the Association.

ATTEST:
Louise H. Hildebrecht
Secretary
THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.
By: James P. Saybolt
President

AS WITNESS my hand and notarial seal:

James P. Saybolt
Notary Public

My Commission expires: July 1, 1990

PROTESTANT'S
EXHIBIT 1

CASE #86-507-X PETITION FOR A SPECIAL EXCEPTION PHYSICIANS' OFFICES 6/16/88

CHART #1

Professional Office Space potentially available within the boundaries of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc.

1 to 10 minutes from 7212 W. Bellona Avenue

1. Ruxton Village Bldg. #1 7700 block W. Bellona Ave.
2. Ruxton Village Bldg. #2 7600 block W. Bellona Ave.
3. Whiting-Turner Bldg. #1 6225 N. Charles St.
4. Whiting-Turner Bldg. #2 6225 N. Charles St.
5. Charles Fountain Bldg. 6301 N. Charles St.
6. Greater Baltimore Medical Center
Doctor's Offices
6701 N. Charles St.
7. Greater Baltimore Medical Center
Professional Building
6701 N. Charles St.
under construction
8. Windsor Court
8520 W. Bellona Ave.
under construction
9. Ruxton Towers
8415 Bellona Lane
under construction
10. Charleswood Professional Building
8422 Bellona Lane
under construction
11. Riderwood Building
1107 Kenilworth Drive
under construction
12. The Exchange
1122 Kenilworth Drive
under construction
13. No Name Listed
1124 Kenilworth Drive
under construction
14. Lake Falls Professional Building
6115 Falls Road
under construction
15. Rockland Grist Mill
2201 Old Court Road
16. Lake Falls Village
6080 Falls Road

PROTESTANT'S
EXHIBIT 2

PROTESTANT'S EXHIBIT 3

RUXTON-RIDERWOOD-LAKE ROLAND
IMPROVEMENT ASSOCIATION
PETITION

We, the undersigned are opposed to the granting of the petition for a Special Exception, Case # 88-280 or any variation for a commercial use.

Signature (please sign)	Name (please print)	Address	Zip
<u>Ch. Schmitt</u>	Charles Schmitt	100 Greenway Rd	21204
<u>Patrick O'Donovan</u>	Patrick O'Donovan	600 Greenway Rd	21204
<u>Robert Schmitt</u>	ROBERT SCHMITT	500 Greenway Rd	21204
<u>Barbara Schmitt</u>	BARBARA	"	"
<u>Charles Schmitt</u>	Charles Schmitt	1813 Ruxton Rd	21204
<u>Paula W. Neill</u>	Paula W. Neill	7212 Rockville Rd	21212
<u>Charles E. Neill</u>	Charles E. Neill	7212 Rockville Rd	21212
<u>James P. Saybolt</u>	James P. Saybolt	1502 Bessie Rd	21204
<u>Robert W. Locke</u>	Robert W. Locke	7806 Maple Ave.	21204
<u>Mary S. Locke</u>	Mary S. Locke	"	"
<u>Sarah F. Locke</u>	SARAH F. LOCKE	6214 Falls Rd	21209
<u>Henry R. Lord</u>	HENRY R. LORD	6214 Falls Rd	21209
<u>James M. Bruggeman</u>	James M. Bruggeman	2202 Adet Dr	21204
<u>Louise A. Schmitt</u>	Louise A. Schmitt	7820 Ballston Rd.	21204
<u>Ginnie Schmitt</u>	Ginnie Schmitt	1813 Ruxton Rd	21204
<u>Judith S. Schmitt</u>	Judith S. Schmitt	1512 Rockville Rd	21204
<u>Henry C. McDonald</u>	Henry C. McDonald	1512 Rockville Rd	21204
<u>Melissa McDonald</u>	Melissa McDonald	"	"

We, the undersigned are opposed to the granting of the petition for a Special Exception, Case # 88-289 or any variation for a commercial use.

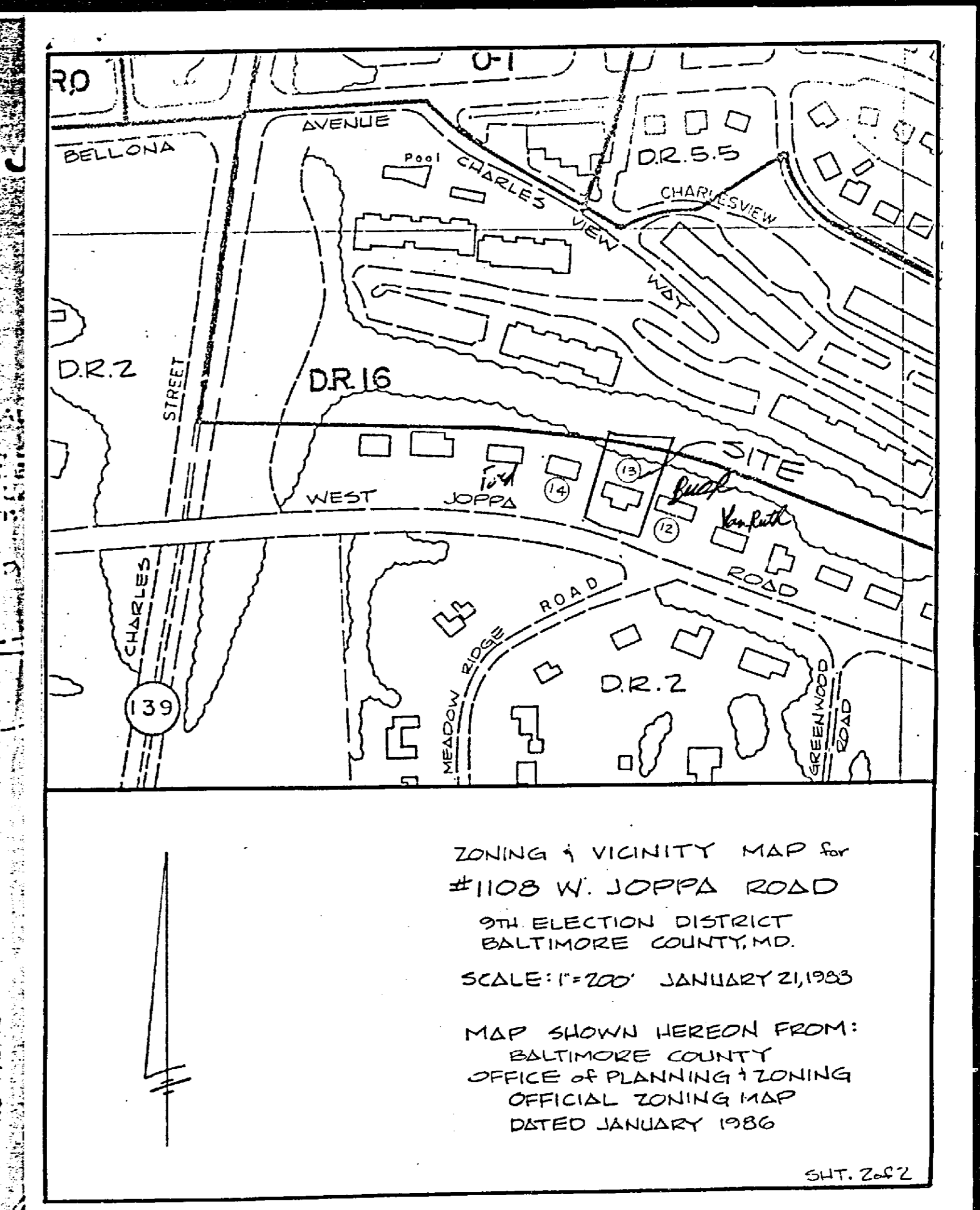
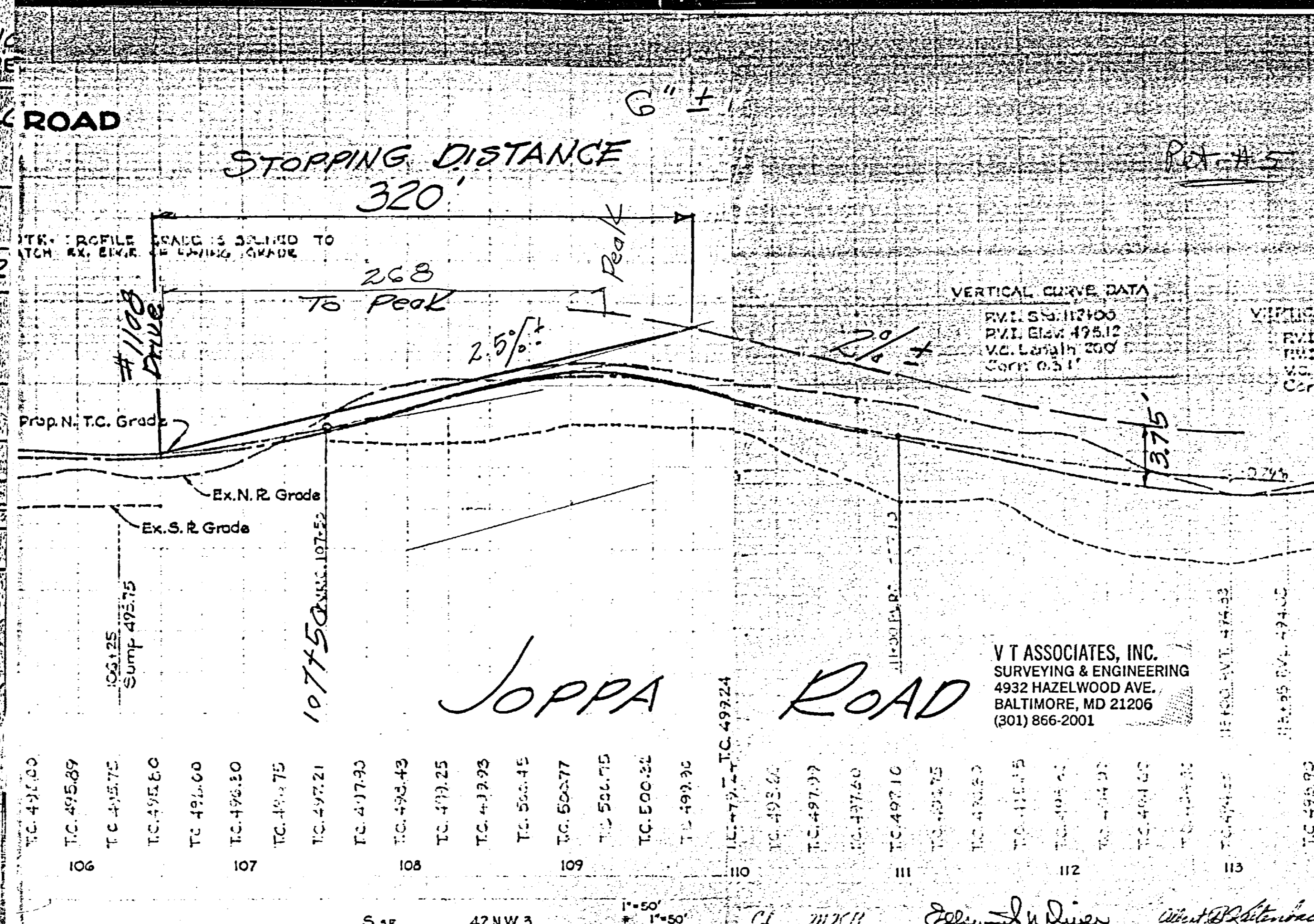
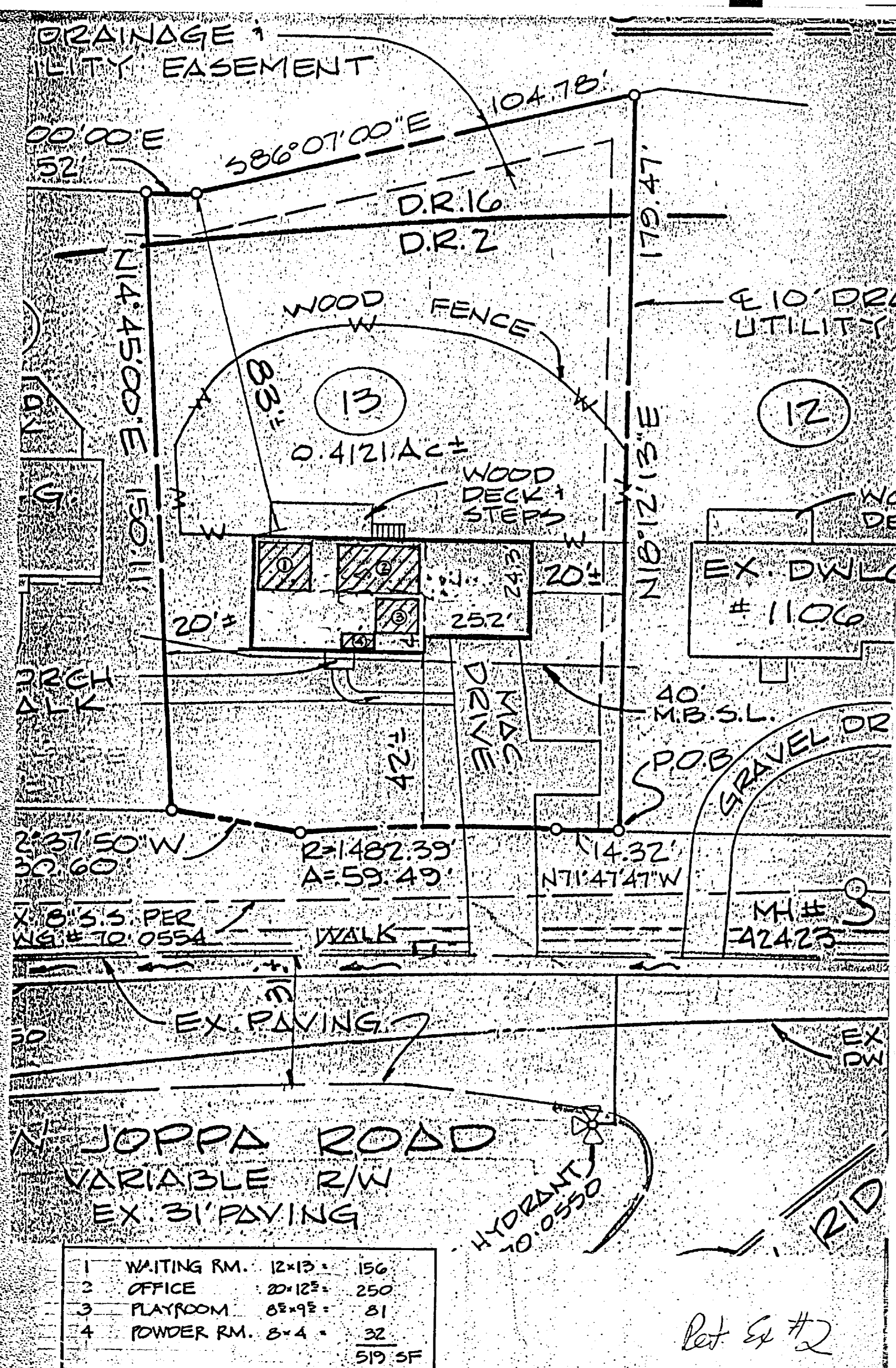
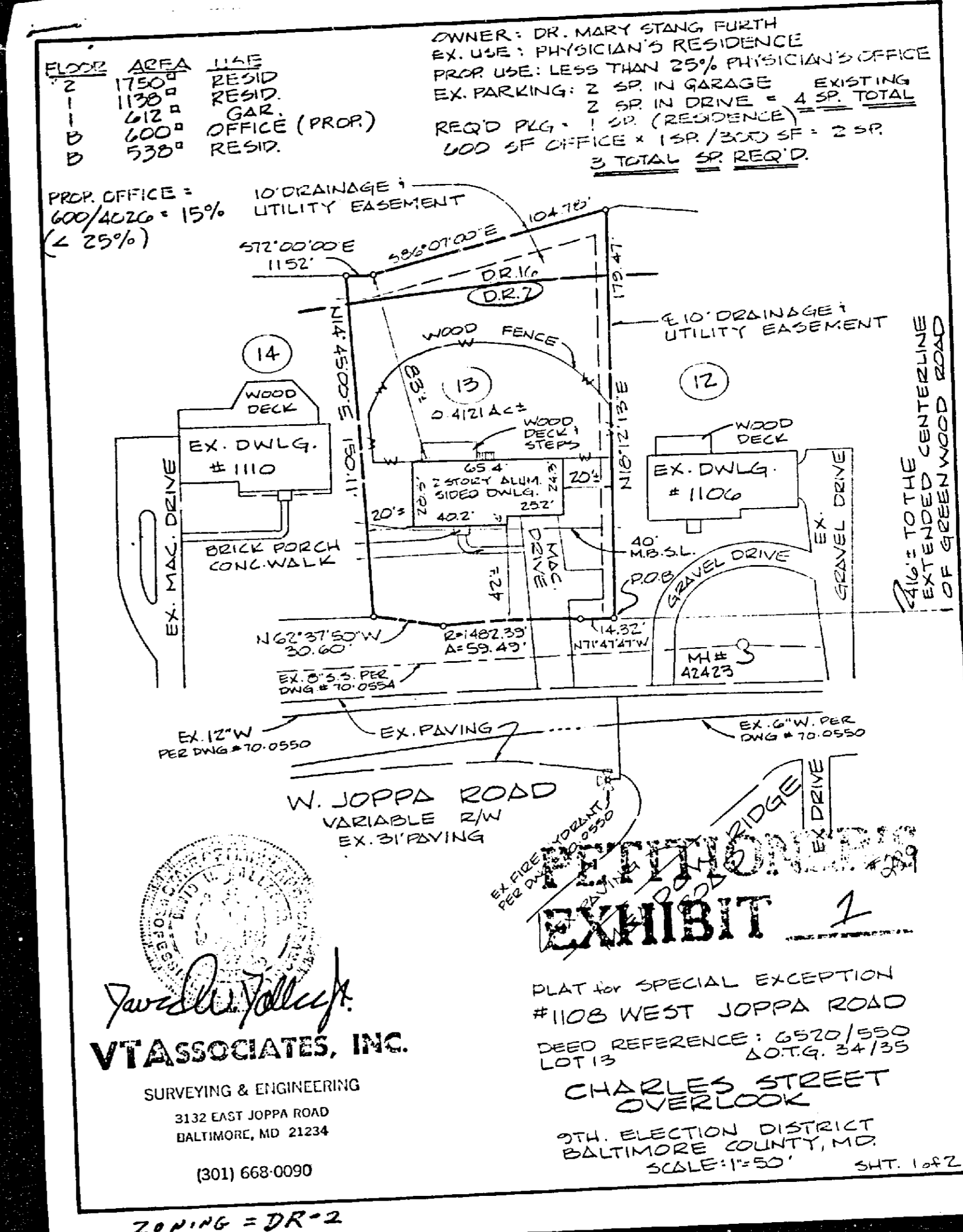
Signature Name Address Zip
(please sign) (please print)

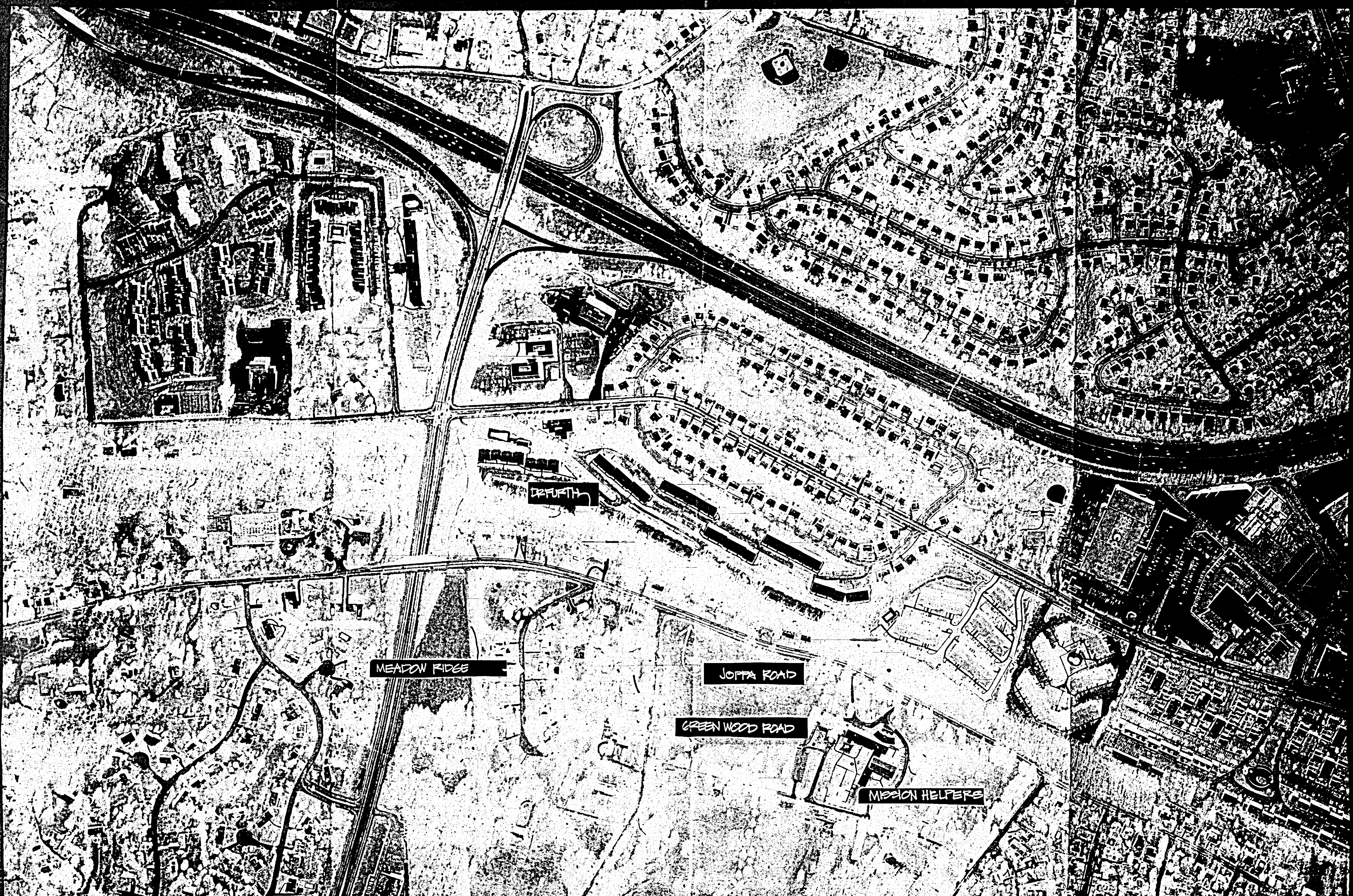
James H. McShaw DAYTON M. GEEHAN 1012 W. JUPITER BL. 2120 Y
 Margaret Hillbert Margaret Gilbert 1010 W. JENNARD 2120 Y
 Robert Hillbert ROBERT HILLBERT 1010 W. JENN. PL. 2120 Y
 Alfred C. Johnson Alfred C. Johnson 1301 W. JENN. BL. 2120 Y
 Richard D. Johnson REGINA D. FITZMAURIS 1303 W. JUPITER BL. 2120 Y
 John W. Gray John W. GRAY JR. 1016 W. JENNARD
 Elsie Gray Elsie Gray 1016 W. JUPITER BL.
 Susan Steele Susan Steele 1014 W. JUPITER
 Constance B. Stal John CONSTANCE B. STOLTZFUS
 1307 W. JUPITER

We, the undersigned are opposed to the granting of the petition for a Special Exception, Case # 88-289 or any variation for a commercial use.

Signature	Name :	Address	Zip
(please sign)	(please print)		

2/16/88 W Kurt Ammann WIP DEARBORN RD 21204
Dorey Anna dorey 2 Ammann WIP " " "
Agnes Alice Giesler Mary Ann Giesler 11 Meadow Ridge Rd 21204
Gregory R Smouse Gregory R. Smouse 679 Meadow Ridge Rd 21204
2/16/88 Katherine O'Connor KATHERINE O'CONNOR 605 MEADOW RIDGE RD 21204
Heidi H. Nelson HEIDI NELSON 602 MEADOW RIDGE RD 21204
H Russell Smouse H Russell Smouse 614 Meadow Ridge Rd 21204
Cathy A Smouse CATHY A SMOUSE 614 MEADOW RIDGE RD 21204
Cathleen M. Dally CATHLEEN M'DALLY 607 Meadow Ridge 21204
Killian G. Guller Andrew Guller 615 Meadow Ridge Rd
William Guller DOUGLAS GULLER "
2/16/88 Mary Knudsen MARY KNUDSEN 617 MEADOW RIDGE RD
Kenneth M. Knudsen KENNETH M. KNUDSEN 617 MEADOW RIDGE RD
Robert Hale Robert E. Hale 609 Meadow Ridge Rd.
Vickie G. Hale Vickie G. Hale 609 Meadow Ridge Rd.
Enma E. Hirsch ENMA E. HIRSCH 617 Charles St Ave.
Julia H. Wright Julia H. Wright 617 Charles St. Apt 21204





MEADOW RIDGE

JOPPA ROAD

GREENWOOD ROAD

MISSION HEIGHTS

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	TOWSON	N.W.
DATE OF PHOTOGRAPHY JANUARY 1986		11-A

